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ANSWER

TO THE

Argument

OF

SIR FRANCIS BURDETT, BART.

RELATIVE TO

THE POWER OF THE HOUSE OF COMMONS

TO

COMMIT PERSONS NOT MEMBERS.

Ego meminl summos fuisse in civitate nostra viros qui id interpretari populo et respondere soliti sint: sed eos *magna professos* in *parvis esse versatos*.

Cic. de Leg. 1. 33.

Sed necesse est caritate eam præstare respublica nomen universæ civitatis est: pro qua mori, et cui nos totos dedere, et in qua nostra omnia ponere et quasi consecrare debemus.

Ibid, 2. 10.

BY ANDREW FLECKIE, ESQ.

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THERE is no point in human concerns wherein the dictates of virtue and worldly prudence are so identified, as in this great question of resistance by force to established government. Success, it has been invidiously remarked, constitutes, in most instances, the sole difference between the traitor and the deliverer of his country. A rational probability of success, it may be truly said, distinguishes the well-considered enterprize of the patriot, from the rash schemes of the disturber of the public peace. To command success is not in the power of man; but to deserve success, by choosing a proper time as well as a proper object; by the prudence of his means, no less than by the purity of his views; by a cause not only intrinsically just, but likely to ensure general support, is the indispensible duty of him who engages in an insurrection against an existing government.

Fox's History of the Reign of James II. page 133.

How preposterous is the present murmur and complaint! The House of Commons have this power only in common with all the Courts of Westminster Hall; and if any person may be safely trusted with this power, they must surely be the Commons, who are chosen by the people; for their privileges and powers are the privileges and powers of the people.—Can any good man think of involving the Judges in a contest with either House of Parliament, or with one another? And yet this manner of putting the question would produce such a contest.—It is a right inherent in all supreme Courts: the House of Commons have always exercised it. It is our duty to presume the orders of *that* House and their execution are according to law.

The language of Judge Blackstone,
3 Wils. 205. 3d Edition.

AN

ANSWER,

&c.

If an answer to the out-door Address of Sir Francis Burdett were to be fairly and legally argumentative, and nothing else, one of two things quite incompatible with the fact, would be implied—either that there was something fairly and legally argumentative to be answered: or that, in the mind of a cool and reasonable man, the question of the late exercise of power of the House of Commons could possibly admit of doubt.

In this pamphlet I shall forbear to rely upon the current of modern authority, which seems invariably to set one way, but shall confine myself to that description of authority relied upon

by Sir Francis Burdett, and quoted, or professed to be quoted, by him in support of his positions.

The spirit of some men's minds shines through them with a radiance sometimes so excessive, that before we can examine, we are blind; before we can recoil, we are shrivelled into inertness: let us, therefore, imitate those practical philosophers who, before they venture to explore the sun, place before their eye a glass composed of materials which, without destroying its pellucidity, prevents the transmission of those bright emanations from the great luminary, which otherwise render him inscrutable.

To such a lofty flight for metaphor has the Honourable Baronet compelled us to soar! but though he be so high ascended in his great argument, happily he has left us here below, the means of investigation; and in the subsequent examination of this sun of political liberty, we shall place in our perspective the simple elements of fairness, truth, and common sense—fairness in quotation of authority, truth in its application to the question, whether general or particular, and common sense in apposite or analogous reasoning.

The Honourable Baronet has quoted Magna Charta (be it said in reverence and without

prophaneness), the very scripture of our law—he has quoted Coke,* and has entangled Sir John Holt in his own most unparliamentary attack on the present House of Commons. The dead will not resist him, but the living are not yet ensnared, and it is not in such declamatory quotation, nor in such sophisticated misrepresentation, that reasonable men, who can and do examine for themselves, will confide for able and accurate discussion upon a question involving our dearest interests, our lives, our liberties, or our properties.

First, as to the quotation of Magna Charta, which stands at the head of the work I am about to endeavour to answer. When Sir Francis Burdett told the people that the power of the House of Commons now contended against by him, was assumed or exercised in contravention of that statute, he might also have told them that not

* Sir Edward Coke, it may be remarked, most singularly and quaintly observes, that a parliament-man should have several properties of an elephant, which he enumerates; amongst them he says "*tamen gregatim semper incedunt*," for *animalia gregalia non sunt nociva, sed animalia solivaga sunt nociva.* Query. In this question, as well as in most others agitated by the Honourable Baronet, is he an animal who goes with his flock—"*gregatim?*" or is he one who flies consort—"*solivagus?*" If the latter, is he a fit parliament-man?

a line of that statute exists but what has given way to expediency, to a higher and better principle of natural justice, and to a more correct consonancy with the true spirit of rational and manly freedom, than even that statute, venerable as it is, does or could contemplate; but, as said by Sir Edward Coke, "yet some examples are desired,"—to the constitutional reader they are obvious—the utter subsequent abolition of the conditions of the feudal tenures, or military service, *though guaranteed most emphatically by the 2d chapter of Magna Charta*—the like subsequent abolition of wardships, *although also guaranteed by the same Magna Charta*—the monstrous and invidious distinction characterized by the term "*liber homo,*" may teach the *people* of England (and Sir Francis Burdett, in a spirit of honest candour, might have so told them), that if they had done no more for themselves; if subsequent parliaments had done no more for them than Magna Charta had done for them, to this very hour would they have been, like West Indian Negroes, slaves attached to, and going with, the soil—to be bought or sold, or punished, or maltreated, like Hottentots in the hands of those Dutch miscreants at the Cape. *Liber homo,* in the language of Magna Charta, neither meant nor intended any thing relative to *the people* of the present day—

it merely meant a "*Freeholder*," — nay, so highly questionable was the spirit even of the words "*liber homo*," that it was thought necessary to enact, by a subsequent statute, that those words also extended to women—but what women? Why, to women of the same rank with that class comprehended in the term "*liber homo*," namely, to "duchesses, countesses, and baronesses." Sir E. Coke, indeed, tells us, as Lilly's Grammar had before told us, "that *homo* being a common name to all men, women were of course included:" still a declaratory act was thought necessary, that the words *liber homo* did extend to women of the rank above mentioned.

At the time of the promulgation of Magna Charta an immense body of the people was chained to the soil, or almost root-bound, like trees that vegetated on it.

A most important violation of Magna Charta daily and hourly takes place, upon the *ground of expediency*—the law is not enforced—subsequent statutes have attempted to enforce it; namely, the establishment of one measure for wine, one for ale, and one for corn; but these statutes, as well as Magna Charta, are in many places a dead letter. Sir E. Coke says, "And this hath often by authority of Parliament been enacted, but never could be effected, so forcible is

custom concerning multitudes when it hath gotten a-head, therefore good laws are timely to be executed, and not in the beginning to be neglected."

These instances are sufficient to confirm what is above advanced, that Magna Charta itself has given way to expediency; to a *higher and better* principle of natural justice, and to a more correct consonancy with the true spirit of a rational and manly freedom.

By this statute, too, *corporate and chartered rights are acknowledged and confirmed.* But in what spirit of legislation, it may be demanded, would new and exclusive corporations be now constituted? Surely if a question came before the House for disfranchising the cinque ports, Old Sarum, Honiton, or Oakhampton, Sir Francis would not set up Magna Charta in their defence. The very borough-mongering faction Sir Francis complains of so vehemently, is guarded and circumscribed in all its rights, privileges, immunities, and, I may add, enormities, by the ninth chapter of Magna Charta.

"NINTH CHAPTER OF MAGNA CHARTA.

"The City of London shall have all the old liberties and customs *which it hath been used*

to have. Moreover we will and grant, *that all other cities, boroughs, towns,* and the *barons* of the *five ports,* and all *other ports,* shall have all their liberties and free customs."

This brings the question, therefore, to be determined by some other authority than Magna Charta. If it can be shewn that an authority of the House of Commons in this instance has been wisely and providently exerted; that Magna Charta is not, nor cannot be, in the nature and circumstances of things, now, an infallible guide on all occasions; and that this statute cannot, nor ought not, to be held up to the people, as a boundary which cannot be passed without danger to the dearest interests of the people; the reliance upon Magna Charta, as an authority in point, must fail—the boundary has been passed in the instances above mentioned, and the people are the happier and more free from its having been so passed.

It should rather be contended that Magna Charta cannot, nor ought not, to limit any legislative provision which may manifestly tend to benefit the people; and, therefore, the true ground of argument in this case, were there no authority in existence, would be, the *wisdom and expediency of the measure.*

Were the committal of Jones a case of the "first impression," as the legal term is, that is, if such a case in principle had occurred now, for the first time, dull indeed must that mind be, that would allow the *extra-jurisdiction* of Jones's forum, beyond that of the Representatives of the people.

Now for Sir E. Coke. From the manner in which the Honourable Baronet has quoted this great lawyer, it might be inferred that nothing in his transcendant work could be found to countenance an opinion against the position of Sir Francis Burdett.

It is to be desired, for the credit of literary and legal discussion, that no lawyer supplied the quotations adduced by Sir Francis: they one and all apply as general rules of law; but in mentioning general rules laid down by any great author, is it fair, manly, or just, not also to enumerate the exceptions made by such great author? But I willingly hope, that it is Sir Francis only who thus flashes about his law, and that his omissions of the authority of Sir Edward Coke, arise from the crudeness with which an unprofessional inquirer must necessarily make his researches.

This is a question too important, at least for unfeed men to tamper with, or pervert authority in support of; and if authority be any thing in

a question of natural and summary reason, as well of what is, or what is not the law of the land, Sir E. Coke is a direct, explicit, and definite authority *for* the exertion of power by the House of Commons, reverberated through the kingdom so loudly and so deeply by the Honourable Baronet, and his *now* coadjutor, Cobbett. When Sir Francis quitted the House, the proper element of *his* exertions on this question, he might have exclaimed,—

> " Quod si mea numina non sunt
> Magna satis dubitem haud equidem implorare quod-
> usquam est
> Flectere si nequeo superos Acheronta movebo."

and he has done so—he has appealed to the people; the honest grounds of that appeal, the public shall now judge.

Upon expediency or inexpediency Sir Francis and myself may well enough differ. I presume not, as to opinion, to be his Magnus Apollo, and I am sure, well sure, he is not, on this question, mine; but upon authority—upon what a great writer adduces to guide or direct us with a higher and better wisdom than we ourselves may possess, we cannot differ if we do not mean to differ—we cannot be wrong if we do not intend it. A friend of Dr. Johnson observed that he was uncivil to a person present;

"Sir," said Johnson, "I knew I was, I meant to be so."—Will the magnanimity of Sir Francis allow him to say, "I knew I suppressed the language of Sir E. Coke, I meant to do it—I had a great beam to lay in popular opinion, and I cared not what machinery I made use of to raise it?" If he were jesting with the lack-law learning of the House, I answer, it is no sport to hurl about brands in the midst of a homestead full of corn-stacks.

Sir E. Coke has the following passage, which is copied verbatim:

"OF JUDICATURE.

"Now order doth require to treat of other matters of judicature in the Lords' House, and of matters of *judicature in the House of Commons.* And it is to be known that the Lords, in their House, have power of judicature, and the COMMONS, IN THEIR HOUSE, HAVE POWER OF JUDICATURE, and both Houses together have power of judicature: but the handling hereof, according to the worth and weight of the matter, would require a whole treatise of itself, and to say the truth, it is best understood *by reading the Judgments and* RECORDS *of Parliaments at large, and the Journals of the House of the Lords, and the Book of the*

Clerk of the House of Commons, as it is affirmed by Act of Parliament in anno 6 H. 8. ca. 16." 4 Inst. c. 1. 23.

This, it might be thought, is a clear and decisive evidence of Sir E. Coke in favour of the judicial power of the House of Commons denied by Sir Francis Burdett. But let us attend to Sir Edward Coke further:

" And as every court of justice hath laws and customs for its direction, some by the common law, some by the civil and canon law, some *by peculiar lawes and customes, &c.* so the High Court of Parliament, *suis* PROPRIIS *legibus et consuetudinibus subsistit.* It is *lex et consuetudo Parliamenti,* that all weighty matters in any Parliament, moved *concerning* the Peers of the realm, or *Commons in Parliament assembled,* ought to be determined, adjudged, and discussed by the course of the Parliament, and not by the civil law, nor *yet by the common lawes of this realm used in more inferiour courts*; which was so declared to be *secundum legem et consuetudinem Parliamenti,* concerning the Peers of the realm, by the King and all the Lords spirituall and temporall; and the like *pari ratione, is for the Commons for any thing moved or done* in the *House of Commons;* and the rather for that, by another law and custom of Parliament, the King cannot

take notice of any thing said or done in the House of Commons, but by the report of the House of Commons, and every Member of Parliament hath a judicial place, and can be no witness." 4 Inst. 14.

It will now be observed, that with his accustomed precision, the venerable commentator proceeds to adduce examples of this *judicial interference*, by the exertion of the very authority Sir Francis Burdett would induce his constituents to believe Sir Edward Coke himself *denied*. The mention of several judgments immediately follows, and which appear to have been made by *Parliament*. This is Sir Francis's distinction—Parliament is not the House of Commons, nor is the House of Commons Parliament—good—but, unluckily for the legal acuteness of Sir Francis, which the Morning Chronicle so nimbly exalted to the skies, the following instance of *judicial interference* by the House of Commons immediately occurs:

"Thomas Long gave the Maior of Westbury four pound, to be elected Burgesse, who thereupon was elected. This matter was examined and adjudged in the House of Commons, *secundum legem et consuetudinem Parliamenti and the Maior*" [not a Member of the House of Commons any more than Jones] "FINED

AND IMPRISONED, and Long removed; for this corrupt dealing was to poison the very fountain itself." Ibid.

I pass over the case of Arthur Hall, as he was a Member (jurisdiction over Members not being denied by Sir Francis), and in the next paragraph I find that of Muncton:

"Muncton stroke William Johnson, a Burgesse of B. returned, into the Chancery of Record, for which, upon due examination in the House of Commons, it was resolved that *secundum legem et consuetudinem Parliamenti*, every man must take notice, &c. And the House adjudged Muncton to the Tower, &c." Ibid.

Not one word escapes Sir Edward Coke questioning or condemning these exercises of power by the House of Commons over persons not being Members of their body, as being contrary to Magna Charta, to the common, or to any other law. The fact was, and is, that such an exercise of power was, and is, a part of the law and custom of Parliament, which that great authority expressly and definitely says, is a "Lawe within the Realme of England." 1 Inst. lib. 1. sect. 3. n.

If it be once admitted that the House of Commons is a court of judicature, and it cannot be denied that Sir Edward Coke so calls and treats of it distinctively, a power of punish-

ing by fine and imprisonment, in certain cases, is at once recognized. The courts of law punish, without the intervention of a jury of his equals, any one who is guilty of a contempt—they fine and they imprison. A man was not long since fined *instanter*, and heavily, for what was deemed contempt of court—no judgment of his peers or equals was asked, and no one doubted the power of the judge to inflict it. Instances of imprisonment for contempt are not unfrequent. These instances, though contrary to Magna Charta, are not unlawful; they are a part of the law of the land; so is the law and custom of Parliament: and we have seen, in the instances above quoted, how, and when, and for what, that law and custom of Parliament was exercised. These instances of summary interference by the courts of law, in fining and imprisoning for what *they* deem contempt, would be as much violations of Magna Charta, the Common Law, and the other legal authorities, mentioned by Sir Francis Burdett, were they not too well and effectually rooted, as exceptions to the general principles so loosely or so unfairly, or perhaps so consummately ignorantly quoted without reference to these exceptions, by him.

Now for the use that has been made of

Sir John Holt's name, and of this very briefly. The case in which Sir J. Holt's great authority has been quoted was shortly this:

Paty and another had been committed to Newgate under warrant of the Speaker, "for having commenced and prosecuted an action at law against the constables of Aylesbury, for refusing their votes in the election of Members of Parliament, in contempt of the jurisdiction, and open breach of the known privileges of the House of Commons;" Sir J. Holt, on the prisoner's application to the Court of King's Bench to be discharged, delivered his opinion as stated in the argument of Sir Francis Burdett.

But it might have been observed, that this case was decided in the Queen's Bench, against that opinion of Sir J. Holt, by judges who appear to have delivered their opinions with as much honest conviction of their being well founded, as Sir John Holt had given his.

The argument upon the mere matter of law, as it then stood, arising on the original question I should hope may not be questioned. No man deprived of a right ought to be denied the power of seeking a remedy for its violation. The House of Commons had attempted to prevent an individual seeking redress at law, but, notwithstanding several incidental decisions of

the Court of Queen's Bench, and also a final decision in the same Court, against the interference of a court of law upon a question said to be merely parliamentary, the House of Lords reversed the judgment of the Court of Queen's Bench, and decided, that a person entitled to vote, and denied the exercise of that franchise, might resort to his remedy at law.

But the general question as to the power of the House of Commons to commit was neither negatived nor decided by this case; on the contrary, Sir John Holt expressly observes, that "their authority is from the law, and that all courts are so far judges of their own privileges, and are trusted with a power to vindicate themselves, that they may punish for contempt." Sir John then, as a general position, denies the final power of judgment to be vested in them; and a question was raised as to whether a writ of error in the House of Lords lay upon a judgment upon a return to a *habeas corpus*.

It may convince the reader that this opinion of Sir John Holt was more at issue with the House of Commons, as to whether the case was or was not subject matter for the Queen's jurisdiction, than the committal of the parties on the Speaker's warrant; for the venerable judge concludes his opinion with saying, "An action was held maintainable for a man against some that had

made a riding for him and his wife, the wife, it seems, having been used to henpeck her husband."

It may be observed, that a fine and elevated spirit of genuine constitutional freedom seems to pervade the subsequent resolutions of the House of Lords, in the same case on writ of error. It is remarked historically that "scarce any judicial determination ever occasioned such a disturbance as the present." The House of Commons soon after passed five resolutions, strongly declaratory of their right to determine upon all questions of election of their own body. A conference between the two Houses took place, but the Queen dissolved the Parliament.* See Brown's Cases in Parliament, Vol. I. 47.

From this brief, and, as I trust, most candid statement, it will be evident that the language of Sir John Holt cannot be applicable to the case of Jones.

But the authorities above quoted are precise and in point; and I now proceed to consider the instances of committal by the House of Commons of persons not their own members, omitted by Sir Edward Coke, and also by Sir Francis

* The other case where Sir John Holt refused to obey the House of Lords, is equally irrelevant to the present question. That House had assumed to possess a jurisdiction paramount to every other court, even in matters not of privilege. Sir John Holt resisted this—so must every Judge.

Burdett. I purposely avoid saying any thing of those of more modern times, since the Honourable Baronet might contend the power exercised in later times to be usurpation, or as flowing from a corrupted source, the Long Parliament. Many ancient instances are collected in "The Original Institution, Power, and Jurisdiction of Parliaments," now before me, written by that great lawyer and most venerable judge, Hale. I shall select some of those precisely to the point.

"15th April, 13th Eliz.—Gentlemen of the Inner Temple *committed* to the Serjeant for entering into the House, being no Members, as they at the bar confessed

"13th Feb. 18th Eliz.—Charles Johnson examined at the bar for coming into the House, the House sitting, excused the same by ignorance; committed to the keeping of the Serjeant *till further order* taken by the House."

Many other cases of like commitment occur, and on the 22d March, "James Thrish, Yeoman of the Guard, for *unreverent words* to a Member of the House; punished by commitment, but pardoned upon submission.

"29th ibid.—Brian Bridger, committed for a petition exhibited to the House against the bishops, &c. and upon examination by special committee, committed to the Tower.

"16th June, ibid.—Thomas Rogers, for *abus-*

ing Sir John Savell, in scandalous and unseemly words, upon his proceeding at a committee on the bill against Tanner, &c.; ordered to be brought to the bar by the Serjeant."

Thus far Sir Matthew Hale.

Such has been the respect of the judges for the *lex et consuetudo Parliamentaria,* and so tender were they of punishing contempts, though against themselves, that on the 8th Feb. 1620, "several pages, servants to Members, having been guilty of a riot and assault in the face of the judges of the King's Bench, were committed by that court, but afterwards sent by them to the House of Commons, to be punished there." 1 Hats. p. 139.

After recurring to the dates of these last instances, as verified by the transcendant authorities I have faithfully copied, will any honourable man believe that Sir Francis Burdett, when quoting cases in favour of his position against the authority of the House of Commons, should deliberately publish the following passage, page 22 of the Argument, &c. "And NEVER DID the Members of the House of Commons presume to overleap the bounds of the constitution, and take the law into their own hands, TILL THE DAYS OF THE LONG PARLIAMENT." He then goes on to state that the power of imprisonment

then, for the first time, assumed by the House of Commons, was afterwards clung to, and constantly opposed by either House.

The reader will perceive the barefacedness of this passage, extracted from the Argument, for the Long Parliament did not commence till 1643, in the reign of Charles I.; the instances above adduced are all dated IN THE TIME OF QUEEN ELIZABETH AND JAMES I. Such perversion of the facts, such *sinking* of truth, is revolting—it is wicked, or it is weak—if suppressed from purposed motive, I know no expression of public indignation too great—if from ignorance, how dare such a man, so wildly ignorant of the elemental and practical part of our early law, presume to set up for an expounder of our ancient laws, and to descant upon the foundations of our liberties.

It is not my intention to pursue the argument of authority further: I have faithfully quoted the authorities for committal by the House of Commons in cases of contempt, which my opportunities of research have presented to me—were there time, they might easily be much extended. I shall briefly notice that the syllogism as to Courts of Record, so pains-takingly manufactured by the Honourable Baronet, can little apply to the present question. The quotations I have adduced from

Sir Edward Coke (and it is not competent for him to deny that great authority) perfectly and definitively acknowledge the law and custom of Parliament to be concurrent with the law of the land. It is proved from that great lawyer, that the House of Commons enjoys, by *lex et consuetudo Parliamenti*, a power of its own which *no court of law can abrogate;* and, notwithstanding the remarkable suppression of facts perceivable in the Argument of Sir Francis Burdett, it is proved, by those I have adduced from Sir Matthew Hale, that the House of Commons have, in good times, namely, in those of Queen Elizabeth and James I. exercised that power as a constitutional right, and in the case of libel, too, by virtue of which Jones stands committed.

I shall proceed shortly to offer an argument or two upon the *expediency* of the due exertion of that power of committal; an expediency, as I think, founded upon a permanent necessity, co-ordinate and co-existent with the very being of a free Body of Representatives of the People. As to the expediency of this exertion of an authority, no rational or thoroughly constitutional mind can hesitate in approving it.

For the reasons so honestly, and, as I think, independently, assigned by Mr. Lethbridge, a Member for Somersetshire, I am convinced

that the House of Commons ought to possess the power, denied them by Sir Francis Burdett. And further, if the House of Commons had not the power of committal, as to it may seem expedient—wherefore are powers of investigating all abuses committed to them? How would the Finance Committee, or any committee, be able to continue its beneficial investigations an hour? How would they be able to call for persons' books and papers? Where is the indictment, or where is the course of law that would enable them to meet every individual contempt which, but for their summary jurisdiction, would be offered them?

This advocate of the people should at least shew his clients how the grievances proposed, by the adoption of those committees, to be redressed, were even to be glanced at, without some such power existing in this branch of the Legislature.

If Sir Francis Burdett shall reply, that they might be summoned by virtue of process from the Courts of Record; I may alledge that such a procedure would ill satisfy the clients whose brief he holds; and that Magna Charta would not be a whit better revered than heretofore.

But, to shew how hostile to true liberty the absence of such a power of committal would

be, let no very unreasonable supposition be made. What has been, may be again, is an old saying; and even Mr. Jones might become the *enemy* of the Honourable Baronet—he *may* become as zealous on the part of the prerogative of *our* Sovereign Lord the King, as he appears to be on that of *his* Sovereign Lord the People — and thus, the creature of the Crown, he might seek by forums, debates, placards, or other measures of notoriety, to vilify and degrade an advocate of popular freedom. I am afraid Sir Francis, armed as he is with the consciousness of being a man *justus et tenax,* would become a victim to the success of such efforts influencing popular opinion—efforts which might be made by men who consider ends, but not means, and those ends, most generally, only in the purview of ignorance, of folly, or of crime.

To what does France at this moment owe the despotism under which she is wrung?—To the very weapon used by Jones—that weapon is too convertible to be trusted in any hands, whether in those of friend or of foe, while friend and foe too, as we daily see in states and in persons, are themselves easily convertible terms.

If Sir Francis be emulous of the fate of Brissot, Vergniaud, Condorcet, and others on the horrid blood-dyed roll, that may be read

yet vivid in every mature mind of the present day, let him set up his forums and his clubs in every populous district in the empire. From reprobating or discussing what had been done in the House by particular men, Members or not, and designating them for popular fury or favour, or for regal adoption or punishment, such shilling institutions as those of Mr. Jones, would very soon dictate what ought to be discussed; and Sir Francis himself might, and I believe would, very soon, be admonished by some most imperious mandate, that the Majesty of the People, to which he had bowed his knee, required a far different and more various homage, than that which his notions of political freedom had taught or allowed him to offer. Sir Francis would soon learn, and probably his hoary instructor finds that he is not unapt, that the pantheon in which he offered his adoration, contained too many and too potent deities for him to please at once, and that the incense he might offer to this Jupiter, would little appease or propitiate that Neptune. He might learn by a natural consequence, that his erring suppliancy would expose the votary to be struck lifeless by the thunderbolt of the one god, or to be overwhelmed by some raging billow, commissioned with his fate by the other. The miserable political Æneas—

——————— tot volvere casus
——————— tot adire labores
vi superûm ——————————!!!

Sir Francis would in vain lament or inquire—

————Tantæne animis cœlestibus iræ?

His celestial minds would chop off his head, or dangle him from his own lamp-iron; and those of either opinion, who, from their insignificant prudence, might have escaped, *his* celestial minds might never pass along Piccadilly without experiencing emotions of exultation or regret, at the certain and inevitable fate of Sir Francis.

As to the hypothetical objection of the liability of a man to be arraigned twice for the same offence, it may be answered, that the tempered administration of the law prevents the probability of any Englishman encountering personal danger on that account. Let such a case, or any such case occur, and the just, and, as I willingly hope, the immortal spirit of his fellow-countrymen, would rouse up and resist, even unto the greatest supposeable extremity, a power, whether exercised by an imperial, or by a democratic, despot, that would depress their liberties, or abridge their rational and consistent rights. Such a spirit would, I trust, be avowed; and

prove, alike to the tyrant or to the demagogue, that in Englishmen it is vitally, indignantly, and potently recuperative, however it might have been borne down or deluded for a time, by any unwise, intemperate, or oppressive exertion of power. But I cannot, nor will, allow myself further to contemplate these hypothetical extremes. I earnestly pray God that the Honourable Baronet may cease to contemplate them in his heated and distempered vision; and that the House of Commons, remembering their great delegated trust, will neither be awed nor slumber in fulfilling the rational and practicable claims of the people.

Argument against abstract hypothesis is ever ill applied. Any extreme case of abuse of a delegated power that casuistical ingenuity or utopian sophistry may put, may not operate as a reason for withholding power;—if it were so to operate, wherefore is the King entrusted with the absolute disposal of six hundred thousand men, the appointment of the highest judicial officers, and the expenditure of so immense a political revenue?

FINIS.